

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ADRIAN MARTINEZ,

Petitioner,

vs.

DOUGLAS COUNTY BOARD OF  
MENTAL HEALTH, MICHAEL D.  
MCCLELLAN, Chairperson;  
MICHELLE MILLER-MCCOY,  
Chairperson; ERIC W. WELLS, #23694  
Deputy County Attorney; DR. JEFF  
MELVIN, Ph.D #334, Licensed  
Psychologist; and DOUGLAS COUNTY  
PUBLIC DEFENDERS OFFICE,

Respondents.

**8:20CV271**

**MEMORANDUM AND ORDER**

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ADRIAN MARTINEZ,

Petitioner,

vs.

TOM BARR, Hospital Administrator;  
KRIS BOE SIMMONS, Clinical Program  
Manager; DR. STEPHEN O'NEILL, MD  
Clinical Director, Staff Psychiatrist;  
DIANE SCHUMAKER, PAC; DR.  
MARGARET DONOVAN, Ph.D  
Director of Psychology; DR. JEAN A.  
LAING, Ph.D Clinical Psychologist; and  
TABETHA E. WAGGONER, LCSW,  
MSW, LMHP Sex Therapist;

Respondents.

**8:20CV272**

**MEMORANDUM AND ORDER**

ADRIAN GUTIERREZ MARTINEZ,

Petitioner,

vs.

SHERI DAWSON, MARK  
LABOUCHARDIER, TOM BARR,  
Hospital Administrator; NORFOLK  
REGIONAL CENTER, KRIS BOE  
SIMMONS, Clinicial Program Manager;  
MD DOUET CHE, Staff Psychiatrist,  
Acting Clinical Director; BEV  
LUEGHEN, LISNHP, Sex Offender; and  
GROUP FACILITATOR,

Respondents.

**8:20CV408**

**MEMORANDUM AND ORDER**

In each of the above-captioned cases, Petitioner Adrian Martinez has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. Petitioner filed his petitions in Case Nos. 8:20CV271 and 8:20CV272 on the same day, July 7, 2020, and labeled the petitions as “Part I” and “Part II” respectively. (Filing 1, Case No. 8:20CV271; Filing 1, Case No. 8:20CV272.) Petitioner filed the petition in Case No. 8:20CV408 on October 8, 2020, and labeled it “Part II Supplementary Petition.” (Filing 1, Case No. 8:20CV408.) In each case, Petitioner challenges his civil commitment by the Mental Health Board of Douglas County, Nebraska and seeks release from his present confinement in the Norfolk Regional Center.

A review of the petitions clearly indicates that the above cases arise out of the same state court judgment and should not proceed as separate cases. Moreover, the court believes Petitioner’s petition in Case No. 8:20CV408 is more properly construed as a supplemental petition intended for filing in Case Nos. 8:20CV271 and 8:20CV272. (*See* Filing 1 at CM/ECF p. 3, Case No. 8:20CV408.) Accordingly,

IT IS ORDERED that:

1. On the court's own motion, Case No. 8:20CV271 and Case No. 8:20CV272 shall be in all respects consolidated. Case No. 8:20CV271 shall be designated the lead case and all future filings shall be made in that case.
2. Neither Case No. 8:20CV271 nor Case No. 8:20CV272 shall be terminated for statistical or other purposes until a final judgment is entered in case 8:20CV271.
3. The clerk of the court is directed to file the petition in Case No. 20CV408 (filing 1, Case No. 8:20CV408) as a supplemental petition in Case No. 8:20CV271 and Case No. 8:20CV272.
4. The clerk of the court is directed to close Case No. 8:20CV408 for statistical purposes.
5. The court shall consider the petitions filed in all three cases when conducting initial review of the consolidated cases.

Dated this 14th day of January, 2021.

BY THE COURT:



Richard G. Kopf  
Senior United States District Judge